

REMARKS

Claims 1-73 are pending in the application. Claims 1 and 71-73 have been amended and claim 74 has been cancelled. Further, claims 42-70 have been withdrawn pursuant to a restriction requirement. No new matter has been introduced by the amendment.

Substance of Interview

On April 4, 2007, the applicants' attorney met with Examiner Davis to discuss the above-referenced application. The applicants appreciate the Examiner's time and attention given during the interview. At the interview, the applicants' attorney provided a comparative analysis of the Magnolia Bark concentrations in the compositions of the cited prior art with those in the applicants' specification. As set forth in the Declaration of Minmin Tian, Sherl et al. discloses a Magnolia Bark extract concentration of 0.30 wt %, which is equivalent to 3.0 mg/ml delivered to the oral cavity. This amount is also equivalent to .30% in the oral cavity. In contrast, the applicants disclose concentration ranges that are much smaller than those of Sherl et al. An antimicrobial effect at such small amounts of Magnolia Bark extract in a pulluan-free edible film is both unanticipated by the prior art and unexpected by those skilled in the art when considering the prior art.

A copy of the Examiner's Interview Summary is attached hereto.

Rejection Under 35 U.S.C. § 112

Claims 1-41 and 71-74 have been rejected for an alleged failure to provide support for claims reciting particular Magnolia Bark extract concentration in the oral cavity of a user. This rejection is overcome in view of the following remarks.

The applicants respectfully assert that their specification expressly discloses particular Magnolia Bark extract concentrations in the oral cavity of a user. For example, paragraphs 0028 to 0030 disclose 0.005%, 0.01%, and 0.1%, respectively. Further, the applicants point to their disclosed compositions in Tables 2 and 3 in their specification. The applicants reiterate their remarks in their previous response and

assert that one skilled in the art can readily determine oral cavity concentrations from the compositional amounts in the applicants' disclosed exemplary formulations.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-41 and 71-74 have been rejected over Barkalow et al. in view of Nanba et al. and/or Sherl et al. This rejection is overcome in view of the amendment of claims 1 and 71-73 together with the following remarks.

The applicants reiterate their remarks regarding Nanba et al. and Sherl et al. from their previous responses. Barkalow et al. do not disclose the use of Magnolia Bark extract, and neither Nanba et al. nor Sherl et al. suggest or disclose the oral cavity concentrations recited in the applicants' amended claims.

Dependent claims 72 and 73 have been amended to correspond with the amendment of claim 71 from which they depend.

The rejection of claim 74 is now moot in view of the cancellation of this claim.

The applicants have made a novel and non-obvious contribution to the art of edible film composition. The claims as issue distinguish over the cited references and are in condition for allowance. Accordingly, such allowance is now earnestly requested.

Respectfully submitted,

/Jasper W. Dockrey/
Jasper W. Dockrey
Registration No. 33,868
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200